Appl.No.: 10/085,548
Amendment dated July 22, 2005
Response to Office Action mailed April 22, 2005

REMARKS/ARGUMENTS

Claims 1-6 are pending in the application; reexamination and reconsideration are hereby requested.

Claims 1-2 and 5 were rejected as unpatentable over Shoham in view of Husain. The Examiner pointed to Shoham for erased frame reconstruction with two periodicity classes and added Husain to show reconstruction with four classes.

Applicant replies that Husain requires knowledge of the actual classification of the erased frame itself; see page 849, right column, full paragraph. Both the claims and Shoham (col.6, ln.8-12) deduce a classification from prior frames, so Husain is not compatible with either Shoham or the claims. Further, the classification in Husain is into (i) voiced, (ii) unvoiced, (iii) transition, and (iv) silence; so only two classes are periodicity type classes. Indeed, the transition class cannot be deduced from prior frames simply because it is a transition, and this is why Husain must know the actual classification of the erased frame.

Further, Husain does not use a set of linear combinations of adaptive codebook and fixed codebook contributions for the excitation of erased transition frames; see page 850, left column, last full paragraph (last paragraph of section 3). Thus even if Husain suggested three periodicity-type classes, there is no suggestion of an excitation for all three classes as linear combinations of adaptive and fixed codebook contributions.

Claims 3-4 and 6 were rejected as unpatentable over Shoham in view of interpolation-based concealment.

Applicant replies that neither Shoham or general interpolation-based reconstruction of erased frames suggests that after the reconstruction of an erased frame, it is used to recompute the excitation for the already-preliminarily-decoded subsequent frame; but clause (d) of claim 3 and clause (g) of claim 6 both require this excitation recomputation.

Consequently, the claims are patentable over the references.

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Claim 1 was rejected for obviousness-type double patenting over claim 1
of USP 6,826,527. The Examiner asserted that dropping the periodicity
classification of application claim 1 and subbing in the muting of claim 1 of USP
6,826,527 would make the claims identical.

Applicant replies that dropping the periodicity classification of application
claim 1 is not obvious; see the foregoing rejection of claim 1.

Respectfully submitted,

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